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Elimination of racism and racial discrimination

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and preparatory process for the World Conference

Report of the Secretary-General

I. Introduction

1. This report has been prepared in accordance with paragraph 24 of General Assembly resolution 52/111 of 12 December 1997, as a supplement to the report which the Secretary-General submitted to the Economic and Social Council at its substantive session of 1999 (E/1996/61); and also in implementation of paragraph 29 of resolution 53/132 of 9 December 1998, in which the General Assembly requested the Secretary-General to present a report on the progress achieved in the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In addition, the Secretary-General was requested to make proposals on how to ensure the financial and personnel resources required for implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (para. 13 of the resolution). Finally, in paragraph 24 of the resolution, the Secretary-General was invited to submit proposals with a view to supplementing, if necessary, the Programme of Action. Section II of the report describes the activities conducted within the framework of implementation of the Programme of Action. Section III is devoted to activities already undertaken and those under way in preparation for the Conference.

II. Implementation of the Programme of Action by the Office of the United Nations High Commissioner for Human Rights

2. In its resolution 48/91 of 20 December 1993, the General Assembly proclaimed the third Decade to Combat Racism and Racial Discrimination, beginning in 1993. By its resolution 49/146 of 23 December 1994, the General Assembly revised the Programme of Action for the Third Decade and listed the activities to be undertaken in implementation of the revised Programme of Action.

3. During the period under consideration, the following activities have been conducted in implementation of the Programme of Action.

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A. Study on the economic factors contributing to the perpetuation of racism, xenophobia and other forms of discrimination

4. Under the revised Programme of Action (resolution 49/146, annex) the Secretary-General was requested to undertake a study on economic factors contributing to the perpetuation of racism and racial discrimination. That study, which is being finalized, should identify practices that lead to economic deprivation or exclusion of ethnic, racial, national and linguistic minorities as well as indigenous populations and migrants. The study will be submitted to the Preparatory Committee for the Conference at its first session, which will be held in Geneva from 1 to 5 May 2000.

B. Racism project team

5. In March 1998, in response to the appeals of the General Assembly and the Economic and Social Council to coordinate all the activities of the Third Decade, the Office of the High Commissioner for Human Rights established a racism project team composed of one member of each branch of the Office of the High Commissioner. The team will promote liaison with other United Nations departments and institutions and will exchange information with Member States and various other organizations.

C. Proposals for obtaining the necessary human and financial resources for the implementation of the Programme of Action

6. In order to respond to the General Assembly's request in paragraph 13 of its resolution 53/132, the High Commissioner sought, in the proposed programme budget for the biennium 2000-2001, to obtain, if necessary from the regular budget, the resources necessary to coordinate the Programme of Action, whose activities are to be oriented towards the objectives of the Conference. Voluntary contributions from Member States would nevertheless be of vital importance to meet the needs related to the activities of the Third Decade.

D. Proposals to supplement the Programme of Action

7. Since the Programme of Action for the Third Decade is scheduled to be completed in 2003 it would be possible to submit proposals to supplement the Programme of Action, if necessary, on the basis of the conclusions and recommendations to be issued by the Conference in 2001. Such proposals could serve as a basis for a possible programme of action to launch a fourth Decade to Combat Racism and Racial Discrimination.

E. Status of the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

8. In paragraph 20 of its resolution 53/132, the General Assembly commended the efforts by donors that had made contributions to the Trust Fund, but noted that those contributions were not sufficient to meet the objectives of the Third Decade. In paragraph 26 of the resolution, the General Assembly strongly appealed to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund, and, to that end, requested the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions.

9. In paragraph 15 of its resolution 1999/78 of 28 April 1999, the Commission on Human Rights regretted the continued lack of interest, support and financial resources for the Third Decade and the Programme of Action, and that very few of the activities planned for the period 1994-1998 had been carried out. In paragraph 17 of that resolution, the Commission recommended that the General Assembly, through the Economic and Social Council, should request the Secretary-General to assign high priority to the activities of the Programme of Action and to earmark adequate resources to finance the activities of the Programme.

10. Taking into account available resources, the High Commissioner appealed to all States, to international organizations and to non-governmental organizations, inviting them to contribute to the Trust Fund to ensure the implementation of future activities. The status of contributions to the Fund at the time this report was being finalized is contained in the annex.

III. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

11. It should be recalled that in its resolution 52/111, the General Assembly decided that the Commission on Human Rights would act as the preparatory committee for the World Conference. Therefore, in its resolution 1998/26 of 17 April 1998, the Commission decided to create an open-ended working group to meet during the fifty-fifth session in order to review and formulate proposals which would be submitted to the Commission for consideration and possibly forwarded to the Preparatory Committee at its first session.

12. The Working Group met from 24 to 26 March 1999. Representatives of Governments, specialized agencies, the contact group of the Committee on the Elimination of Racial Discrimination, a representative of the Subcommission on the Promotion and Protection of Human Rights, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, regional organizations and non-governmental organizations took part.

13. In order to assist the Working Group, the Office of the High Commissioner prepared several background papers which assisted the participants in their deliberations. In addition, the High Commissioner submitted to the Commission, at its fifty-fifth session, a preliminary analytical study on the objectives of the Conference. Those objectives were established by the General Assembly in its resolution 52/111. The High Commissioner also submitted a list of publications and other works on racism and racial discrimination (E/CN.4/1999/12, annex).

14. Based on the report submitted by the Working Group (E/CN.4/1999/16 and Corr.1 and 2), the Commission adopted resolution 1999/78, which contains recommendations to States, to the High Commissioner for Human Rights, United Nations organs and non-governmental organizations. The Office of the High Commissioner immediately undertook the various activities requested in the resolution.

15. The deliberations of the Working Group at its session dealt in part with substantive questions, in particular the content of the objectives for the Conference, and in part with procedural questions.

A. Substantive issues

16. Among the substantive issues discussed, the following warrant special note: identification of the items to be considered; how to ensure observance of existing international standards; activities to be undertaken; appraisal of progress achieved and obstacles met in eliminating racism; measures for making United Nations mechanisms more effective; and, lastly, proposals for securing the necessary human and financial resources.

1. Themes of the Conference

17. Several participants expressed specific ideas about the following themes which should be reflected in the Conference agenda:

(a) Factors which tend to perpetuate racism (historical, economic, social, cultural, psychological);

(b) Aftermath of slavery and colonialism;

(c) Impact of economic globalization on the resurgence of manifestations of racism;

(d) Treatment of migrants, refugees, asylum seekers and displaced persons;

(e) Means to be applied to protect the rights of indigenous peoples;

(f) Ethnic conflicts and prevention of racial discrimination, including early warning and emergency measures;

(g) Prevention of racial discrimination through education;

(h) Measures to be taken in education, training and access to jobs for vulnerable groups;

(i) Remedies, recourse mechanisms and reparations for victims of racial discrimination;

(j) Concept of affirmative action;

(k) International mechanisms for implementing the International Convention on the Elimination of All Forms of Racial Discrimination and their continuous improvement;

(l) Steps to suppress speeches inciting hatred and to promote tolerance in the age of the Internet;

(m) Implications of multiple identities (race, colour, descent, national or ethnic origin, gender);

(n) Denial that the phenomenon of racism persists.

2. How to ensure the application of international standards and compliance with instruments for combating racial discrimination

18. The International Convention on the Elimination of All Forms of Racial Discrimination should be the foundation stone of the Conference. Moreover, the work that the Committee on the Elimination of Racial Discrimination accomplished in 29 years of effort, particularly the jurisprudence relating to the cases brought to its attention, should constitute a source of reference for the Conference. Thus, one of the fundamental objectives of the Conference should be the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and promotion of the ratification and entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

19. In its resolution 1999/78, para. 38, the Commission on Human Rights recommends that the issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the reservations thereto and the question of recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference.

3. Activities at the international, regional and national levels

(a) At the international level

20. One of the steps indicated at the international level was to give priority to preventive measures to fight racism. In that connection, the Committee on the Elimination of Racial Discrimination had an important role to play, together with other United Nations bodies. Activities should not be confined to the international sphere; they should encompass regional, national and local action within the framework of cooperation between the public and the private sector and with non-governmental organizations.

21. In its resolution 1999/78, paragraph 63, the Commission requests the High Commissioner to help the Special Rapporteur to conduct a study on preventive measures relating to ethnic, religious and xenophobically motivated conflicts and to formulate recommendations for correcting those situations. The Office of the High Commissioner contacted the Rapporteur and his study would be presented at the first session of the Preparatory Committee.

(b) At the regional level

22. The question of racism and racial discrimination should be dealt with from a global perspective because no part of the world was exempt from those scourges. The Conference should not target specific countries; the purpose of the regional conferences should be to collect and analyse the relevant data already available for each region.

23. In its resolution 1999/78, paragraph 55, the Commission calls upon the High Commissioner to help States and regional organizations, on request, to convene national and regional meetings to prepare for the Conference. In that regard, a series of regional seminars was being prepared by the Office of the High Commissioner on procedures for recourse by victims of racist acts and on the relevant effective national practices.

(c) At the national level

24. The Conference should draw the attention of States to the model legislation drawn up by the United Nations and should invite them to use the model as a guideline. In addition, Governments should establish national programmes of affirmative action. National agencies should be set up to investigate complaints in cases of racial discrimination and the scope of anti-discrimination laws should be broadened to apply to the civil service and the police in States where they were not applicable. The seminars on recourse open to victims of racist acts would attempt to attain that objective.

(d) Activities to be undertaken by the non-governmental organizations

25. Cooperation with the non-governmental organizations was more likely to produce practical solutions at the national and local levels because they operated in the field. Consequently, their role should be strengthened during the preparatory phase of the Conference and at the Conference as well.

26. In its resolution 1999/78, paragraph 54, the Commission requests the High Commissioner to undertake appropriate consultations with non-governmental organizations on the possibility that they might hold a forum before and during the Conference and, insofar as possible, to provide them with technical assistance or that purpose.

27. The Office of the High Commissioner had already entered into consultations with the non-governmental organizations in Geneva and New York. The question of holding a forum with the non-governmental organizations before the Conference was being discussed.

(e) Activities to promote consciousness-raising and education

28. Consciousness-raising and education were considered by far the key issues before the Conference. Long-term efforts would be needed to sensitize public opinion; the Conference should generate concrete proposals for that purpose.

29. The Internet should be used as much as possible as an educational tool advocating tolerance and respect for human dignity and diversity; speeches promoting racial hatred and inciting to racial violence on the Internet, as on other media, should be prohibited by law.

30. It was proposed that the Office of the High Commissioner for Human Rights should establish an Internet site for the purpose of informing the public about the Conference. In that context, it was recommended that information material about the Conference should be inserted on the United Nations Headquarters Home Page and that a link should be established with the Web site of the High Commissioner so that it would be feasible, when the Conference was in progress, to present live coverage, including audio-visual material, on the Internet.

31. In accordance with those recommendations and with resolution 1999/78, paragraph 49 (c), it was now possible to turn from the Home Page of the Office of the High Commission's site to a new page dealing with the Conference.

32. In addition, a worldwide campaign to create public awareness of the Conference was to be launched by the Department of Public Information with a view to ensuring the widest possible publicity for the Conference. For instance, the High Commissioner, in close cooperation with the Department, was asked to publish pamphlets, organize seminars and workshops and insert articles stressing the dangers of racism in international news carriers.

33. An information pamphlet on the Conference was being prepared in conformity with resolution 1999/78, paragraph 51 (e). It would activate the worldwide publicity campaign about the Conference.

4. Progress achieved and obstacles remaining in the fight against racism

34. In pursuance of the recommendations of the Working Group of the Commission on Human Rights and in accordance with resolution 1999/78, paragraph 49 (a), the Office of the High Commissioner had prepared a questionnaire as a basis for reviewing the progress made in the fight against racism and the obstacles encountered; it was sent to States, the specialized agencies, international and non-governmental organizations and national institutions. The replies would be analysed and dealt with in a report to be submitted by the High Commissioner to the Preparatory Committee at its first session, in May 2000.

5. Action to increase the effectiveness of United Nations mechanisms for ensuring respect for international standards

35. The Commission, in its resolution 1999/78, paragraph 62, requested the Sub-Commission to undertake a study on ways of making United Nations activities and mechanisms aimed at combating racism more effective. This study will be submitted to the first session of the Preparatory Committee.

36. In this connection, an effective mechanism for follow-up of United Nations programmes to combat racism and racial discrimination is essential. The Committee on the Elimination of Racial Discrimination is competent to ensure the implementation of its recommendations and to develop projects for providing technical assistance to States parties, at their request.

37. Lastly, better institutional coordination in the fight against racism is needed between the Office of the High Commissioner and other international organizations. To this end, regular consultations will be held between the Committee, the Special Rapporteur and the Sub-Commission and its various working groups, as well as with regional and national bodies.

6. Proposals on ways of obtaining the human and financial resources needed for the preparations for the Conference and the Conference itself

38. Fund-raising efforts for the Conference should be directed towards both States and the private sector, including organizations in the areas of sports and entertainment. For example, such efforts could target sports federations through the appointment of various "sports ambassadors", not only to promote the Conference generally, but also with a view to exploring how financial support could be provided through sports events. The Office of the High Commissioner has already made preliminary contacts with the International Federation of Association Football (FIFA).

39. It has also been suggested that the private sector should be requested to support and contribute to the Conference.

40. A special voluntary fund or mechanism should be established for the preparations for the Conference and the Conference itself, to allocate financial support for non-

governmental organizations and to ensure participation by representatives of non-governmental organizations and communities from the least developed countries in the work of the Conference, since their presence is essential. To this end, a fund has been established specifically to meet the needs of the Conference.

41. In its resolution 1999/78, paragraph 53, the Commission on Human Rights requested the High Commissioner to set up a voluntary fund designed specifically to cover all aspects of the preparatory process for the World Conference and the participation of non-governmental organizations, especially from developing countries, and requested all Governments, international organizations, non-governmental organizations and private individuals to contribute to that Fund. The Office of the High Commissioner has already sent a note verbale on this subject, dated 20 May 1999, to the above-mentioned groups.

B. Procedural issues

42. The main procedural issues that were discussed included the issue of the venue and date of the Conference and of the Preparatory Committee meetings, the issue of participation in the Conference and in the preparatory process and the issue of the composition of the bureau of the Preparatory Committee meetings and the bureau of the Conference.

43. With respect to the venue of the Conference, the Commission, in its resolution 1999/78, paragraph 48, recommended that, if no offer was made to the High Commissioner by the end of the first session of the Preparatory Committee, the Conference should be held in Geneva. However, the Working Group stressed that it remained open to the possibility of a State extending such an invitation and that holding the Conference in another location, particularly a country of symbolic importance for its efforts to combat racial discrimination, would be a considerable advantage. In this connection, it should be noted that the Government of South Africa has formally offered to host the Conference.

44. With respect to the date of the Conference, the Commission recommended that it should be held in 2001, after the session of the Commission on Human Rights and before that of the General Assembly.

45. With respect to participation, the Working Group felt that participation by other entities and groups should be encouraged as much as possible, in conformity with existing United Nations rules concerning world conferences. In this connection, the Commission recommended to the General Assembly that the Conference and the sessions of the Preparatory Committee should be open to participation by:

(a) All States Members of the United Nations and members of specialized agencies;

(b) All regional organizations and commissions involved in the preparation of regional meetings;

(c) Representatives of organizations which have received from the General Assembly a standing invitation to participate as observers;

(d) Specialized agencies, secretariats of the regional commissions and all United Nations bodies and programmes;

(e) Representatives of all United Nations mechanisms in the field of human rights;

(f) Other interested governmental organizations, to be represented by observers;

(g) Interested non-governmental organizations, to be represented by observers in accordance with Economic and Social Council resolution 1996/31.

46. Lastly, the Commission decided that the sessions of the Preparatory Committee scheduled in 2000 and 2001 would be headed by a bureau composed of 10 members, i.e. two representatives per regional group, in order to ensure continuity and the adequate representation of all Member States of the United Nations.

Annex

Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

Programme of Action for the Third Decade (Commission on Human Rights resolution 1999/78, paras. 16-19)

Contributions available for 1999 (as at 18 August 1999)[a]

Country	*Amount in United States dollars*	*Paid on*	*Paid at New York Geneva*
Algeria	5 000.00	5 March 1999	Geneva
Cyprus	1 000.00	12 May 1998	Geneva
Japan	10 000.00	19 March 1998	New York
	7 500.00	29 January 1999	New York
Saudi Arabia	10 000.00	22 July 1999	Geneva
Turkey	5 000.00	22 February 1998	Geneva
	10 000.00	27 April 1999	Geneva
Non-Governmental Organizations and Individuals			
Saffron Walden & District Branch United Nations Association of Great Britain and Northern Ireland	254.24	19 November 1998	Geneva
Total	**48 754.24**		

[a] According to information available at the Office of the United Nations High Commissioner for Human Rights.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
(Commission on Human Rights resolution 1999/78, para. 53)

I. Contributions available (as at 18 August 1999)

	Amount			
Country	*(United States dollars)*	*(Local currency)*	*Paid on*	*Paid at*
Denmark	205 303.00		20 January 1999	Geneva
Finland	29 429.00		25 January 1999	Geneva
France	81 785.00	FF 500 000	29 April 1999	Geneva
Israel	5 000.00		17 August 1999	Geneva
Norway	63 815.00	Nkr 500 000	6 July 1999	Geneva
Foundations				
Ford Foundation	313 532.00			Geneva
Total	**698 864.00**		**18 August 1999**	

II. Contributions pledged (as at 18 August 1999)

	Amount		
Country	*(United States dollars)*	*(Local currency)*	*Pledged on*
Cuba	1 000.00		14 January 1999
Sweden	25 315.97	SKr 200 000	23 June 1999
Turkey	10 000.00		3 May 1999
Total	**36 315.97**		